

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** April 14, 2011

**Agenda Item:** Church Slough Administrative Rule

**Division:** Enforcement

**Action Needed:** Approval of Final Rule/Action

**Time Needed on Agenda for this Presentation:** 15 minutes

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### **Background**

Church Slough is 195 acres, is about 12 miles upstream of Flathead Lake and Sportsmans Bridge FAS, and supports warm and coldwater fish. Church Slough is one of the first sloughs to ice out in spring and provides resting habitat for thousands of migrating waterfowl.

Flathead Wildlife, Inc. filed a petition to close the entire Church Slough to boating from March 1 to April 10 to protect migrating waterfowl and to make the slough No-Wake from April 11 through Feb. 28 to decrease bank erosion and boating hazards. The river is popular for motorized and nonmotorized boating, waterskiing, fishing, bird watching, and waterfowl hunting. Surveys show boating use has quadrupled in the past 16 years.

### **Public Involvement Process & Results**

The Region 1 Citizen Advisory Committee recommended that the Commission consider proposing the seasonal boating closure and the no-wake status for the rest of the year. The Commission approved proposing adoption of restrictions on Church Slough at the Jan. 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. An environmental analysis was published on the department's website. Public notice was given in print, radio and television media. A public meeting was held in Kalispell on February 22. Fifty eight people attended, twenty one people provided verbal comment. Fifty five people submitted written comment.

### **Alternatives and Analysis**

- 1) Do not adopt proposed rule. Anglers in carry-on boats will displace spring migrating waterfowl to less desirable habitat. Bank erosion will continue at current rate. Boaters will continue to access the slough from the river. Higher speed boating will continue.
- 2) Adopt rule as proposed. Spring waterfowl would not be displaced by boating. Bank erosion would be reduced. Waterskiing and high speed boating would be prohibited.

### **Agency Recommendation & Rationale**

The department does not have a recommendation.

### **Proposed Motion**

I move the commission adopt the proposed rule language for Church Slough.

**OR**

I move the commission does not adopt the proposed rule language for Church Slough.